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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,642	11/09/2000	Bernhard Kaiser	Q61718	2195
7590	10/04/2004		EXAMINER	
Sughrue Mion Zinn Macpeak & Seas PLLC 2100 Pennsylvania Avenue N W Washington, DC 20037-3213			JUNTIMA, NITTAYA	
		ART UNIT	PAPER NUMBER	
			2663	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	licant(s) KAISER, BERNHARD
	Examiner Nittaya Juntima	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 August 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,8-11 is/are rejected.
- 7) Claim(s) 5-7 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 November 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

### **DETAILED ACTION**

This action is in response to the amendment filed on August 23, 2004.

1. The indicated allowability of claims 1-4 and 8-11 is withdrawn in view of the newly discovered reference(s) to Sevcik (USPN 6,667,969 B1) in view of “*Signaling System #7*” by Travis Russell. Rejections based on the newly cited reference(s) follow.

#### ***Drawings***

2. The drawings are objected to because all elements shown in Figs. 1-3 should be labeled accordingly to provide a better understanding of each drawings, for example “UI” in Fig. 1 should be labeled as “User Interface.” Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 6-7, 8-9, and 11 are objected to because of the following informalities:

- in claim 6, line 3, "SIP" should be spelled out as "Session Initiation Protocol" to avoid any confusion;
- in claim 7, line 3, "MGCP" should be spelled out as "Media Gateway Control Protocol" to avoid any confusion;
- in claim 11, line 6, "code" should be added after "program;"
- in claims 8 and 9, "designed to" should be changed, i.e. "first provision means designed to enable..." at line 5 of claim 8 should be changed to "first provision means that enables..." to make the limitation positive. An alternative to the suggested change would be a written confirmation stating that the claimed element, i.e. first provision means, performs the actual function following "designed to." It has been held that the recitation that an element "designed" perform a function is *not* a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "the configuration server" in line 17 of the claim. There is insufficient antecedent basis for this limitation in the claim. The office is treating this limitation as "the signaling server."

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevcik (USPN 6,667,969 B1) in view of "*Signaling System #7*" by Travis Russell (hereafter "Russell").

Per claim 1, Sevcik teaches (Fig. 2) a process for generating service function modules (service applications) for a signaling server (network SCP) which can provide signaling functions for control of communications via a communication network, characterized by the steps of:

Making available procedure modules for capturing, processing, and forming signaling messages (screening function block for capturing signaling messages, and routing function block for processing and forming signaling messages, Fig. 3) of a communications network (Fig. 2) by means of a configuration server (service creation environment, SCE, in Fig. 2 must include first

inherent means to make screening and routing blocks available). See col. 1, ll 48-54, col. 3, ll 40-67 and 34-36, and col. 4, ll 1-12, 27-33).

Combining the procedure modules (screening and routing function blocks, Fig. 3) by means of the configuration server (SCE in Fig. 2 must include second inherent means to combine screening and routing function blocks) into a service function module (a service application, Figs. 2-3). See Fig. 3 and col. 3, ll 40-51, 60-67, col. 4, ll 13-20.

Making available the service function module (a service application) by the configuration server (SCE, Fig. 2) for the signaling server (network SCP). See Figs. 2-3, col. 3, ll 40-51, 60-67, and col. 4, ll 13-20, see also col. 1, ll 48-54.

However, Sevcik fails to teach displaying the procedure modules as symbols via a user interface, capturing a user-defined selection and arrangement of the symbols, and combining the procedure modules into a service function module in a manner defined by the selection and arrangement of the respective symbols on the user interface.

Russell teaches that a user interface (GUI) with network capability icons (symbols) is used in the configuration server (SCE) for building service functions (customized services), therefore, displaying the symbols via the user interface, capturing a user-defined selection and arrangement of the symbols, and combining the symbols representing network capabilities into a service function (a customized service) must be included, page 21, last paragraph -page 22, ll 1-5 and 1st paragraph.

Given the teaching of Russell, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Sevcik to include displaying the procedure modules as symbols via a user interface, capturing a user-defined selection and

arrangement of the symbols, and combining the procedure modules into a service function module in a manner defined by the selection and arrangement of the respective symbols on the user interface as recited in the claim. The motivation/suggestion to do so would have been to enable one to tailor services to meet the customers' specific needs by clicking on network capability icons instead of programming via commands on a command line as taught by Russell, page 21, last paragraph -page 22, ll 1-5.

Per claim 2, as shown in Figs. 2-3, Sevcik teaches that the service function module (a service application) is loaded into the signaling server (network SCP), col. 1, ll 48-54 and col. 3, ll 63-67.

Per claims 3 and 4, Sevcik does not teach that an interface module for inputting parameter data for the service function module is generated by the configuration server and that the interface module is loaded into a network management server.

However, Sevcik teaches that the configuration server (SCE in Fig. 2) is to introduce service data and service programs into the signaling server (SCP in Fig. 2) and a network management server (SMP in Fig. 2), col. 1, ll 48-54. And Russell teaches that the network management server (SMS) connected to the signaling server (SCP) provides human interface to the database, which provides instructions for handling the call based upon the service function module (the customized service instructions), and the capability to input parameter data (update the database containing customized service instructions) when needed, in addition to building services and controlling the updates to the database, page 21, 2<sup>nd</sup> and 4<sup>th</sup> paragraphs.

Therefore, it would have obvious to one skilled in the art at the time the invention was made to include that an interface module for inputting parameter data for the service function

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module is generated by the configuration server and that the interface module is loaded into a network management server. The motivation/suggestion to do so would have been to enable one to update the service function via the network management server.

Claim 8 is a configuration server corresponding to a process claim 1, and is therefore rejected under the same reason set forth in the rejection of claim 1 with the addition of first provision means (first inherent means of the SCE taught by Sevcik), capture means (must be inherently included in GUI for building services taught by Russell), combining means (second inherent means of the SCE taught by Sevcik), and second provision means (inherent means of the SCE taught by Sevcik must be included to make the service application available to the network SCP).

Per claim 9, Sevcik teaches (Fig. 2) a signaling server (SCE) for generating service function modules (service applications) for providing signaling functions for control of communications via a communication network, characterized in:

That the signaling server (SCE in Fig. 2) comprises first provision means (inherent means in SCE in Fig. 2 must be included since screening and routing function blocks are available) that enables the signaling server to make available procedure modules for capturing (screening function block for capturing signaling messages, Fig. 3), processing, and forming (routing function block for processing and forming signaling messages, Fig. 3) signaling messages of a communications network (Fig. 2). See col. 1, ll 48-54, col. 3, ll 40-67 and 34-36, and col. 4, ll 1-12, 27-33).

That the signaling server (SCE in Fig. 2) comprises combining means (inherent means of SCE in Fig. 2 must be included since a service function is composed of screening and routing

function blocks) that enables the signaling server to combine the procedure modules (screening and routing function blocks, Fig. 3) into a service function module (a service application, Figs. 2-3). See Fig. 3 and col. 3, ll 40-51, 60-67, col. 4, ll 13-20.

That the signaling server (SCE in Fig. 2) comprises second provision means (inherent means of SCE in Fig. 2 must be included since the service application is ready for execution in the network SCP) that enable the signaling server to make the service function module (a service application) available for execution. See Figs. 2-3, col. 3, ll 40-51, 60-67, and col. 4, ll 13-20, see also col. 1, ll 48-54.

However, Sevcik fails to teach that the signaling server comprises a user interface that enables the signaling server to display the procedure modules as symbols, capture means that enable the signaling server to capture a user-defined selection and arrangement of the symbols, and combining means that enables the signaling server to combine the procedure modules into a service function module in a manner defined by the selection and arrangement of the respective symbols on the user interface.

Russell teaches that a user interface (GUI) with network capability icons (symbols) is used in the signaling server (SCE) for building service functions (customized services), therefore, displaying the symbols by the user interface, capturing means for capturing a user-defined selection and arrangement of the symbols, and combining means for combining the symbols representing network capabilities into a service function (a customized service) must be included, page 21, last paragraph -page 22, ll 1-5 and 1st paragraph.

Given the teaching of Russell, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Sevcik to include teach that the signaling

server comprises a user interface that enables the signaling server to display the procedure modules as symbols, capture means that enable the signaling server to capture a user-defined selection and arrangement of the symbols, and combining means that enables the signaling server to combine the procedure modules into a service function module in a manner defined by the selection and arrangement of the respective symbols on the user interface as recited in the claim. The motivation/suggestion to do so would have been to enable one to tailor services to meet the customers' specific needs by clicking on network capability icons instead of programming via commands on a command line as taught by Russell, page 21, last paragraph -page 22, ll 1-5.

Claim 10 is a computer program claim corresponding to a process claim 1, and is therefore rejected under the same reason set forth in the rejection of claim 1 with the addition that the computer program contains a code with which the steps of the process according to claim 1 can be executed when the computer program is run on a computer. However, it would have been obvious to one skilled in the art to implement the steps of process according to claim 1 in a computer program containing a code to be run on a computer in order to provide automatic process execution and avoid human intervention.

Claim 11 is a storage medium claim corresponding to a process claim 1, and is therefore rejected under the same reason set forth in the rejection of claim 1 with the addition that the storage medium can be read by a computer and contains a computer program code with which the steps of the process according to claim 1 can be executed when the computer program code is run on a computer. However, it would have been obvious to one skilled in the art to store the steps of process according to claim 1 in a computer program code to be run on a computer in order to provide portability to the process executable by a computer.

***Allowable Subject Matter***

7. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima  
October 1, 2004

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